

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JASON L. CARTER,)	
Plaintiff,)	
)	Civil Action No. 2: 13-cv-00806
v.)	United States Magistrate Judge
)	Cynthia Reed Eddy
POLICE OFFICER WINTRUBA, et al.,)	
Defendants.)	

ORDER OF COURT¹

On June 9, 2014, this Court issued a Memorandum Opinion analyzing Plaintiff Jason L. Carter's failure to respond to several dispositive motions according to the standards enunciated in *Poulis v. State Farm Fire & Cas. Co.*, 747 F.2d 863, 868 (3d Cir. 1994), finding:

At least four of the six *Poulis* factors weigh strongly in favor of dismissal. Accordingly, this action should be dismissed with prejudice for Plaintiff's failure to prosecute.

Out of an abundance of caution, however, this Court will give Plaintiff one final opportunity to respond to the dispositive motions on or before June 23, 2014. Failing to do so, this Court will enter an order dismissing his case with prejudice and without further notice.

Memorandum Opinion (ECF No. 44), at 6.

Plaintiff has not responded nor has he sought any enlargements of time within which to respond. The Court finds that Plaintiff has abandoned his claims, and this case will therefore be dismissed with prejudice for failure to prosecute.

¹ Under the Federal Magistrate Judges Act ("the Act"), a Magistrate Judge's jurisdiction may be conferred by consent of the parties. 28 U.S.C. § 636(c)(1). Consent of all parties to a case gives the magistrate judge full "authority over dispositive motions, conduct of trial, and entry of final judgment, all without district court review." *Roell v. Withrow*, 538 U.S. 580, 585 (2003); *In re Search of Scranton Hous. Auth.*, 487 F.Supp.2d 530, 535 (M.D.Pa. 2007). "[S]o long as consent [to Magistrate Judge jurisdiction] is clear and unambiguous, it is effective." *In re Search of Scranton Hous. Auth.*, 487 F.Supp.2d at 535; *Roell*, 538 U.S. at 591 (consent may be inferred from parties' actions). All parties have filed election forms consenting to jurisdiction before a United States Magistrate Judge.

IT IS HEREBY ORDERED, this 27th day of June, 2014, that the Motion to Dismiss to be Treated as a Motion for Summary Judgment (ECF No. 28) filed on behalf of Police Officer James M. Wintruba, Police Officer John Sopcak, Police Officer Ian Strang and the Borough of Homestead, the Motion to Dismiss (ECF No. 35) filed on behalf of the Borough of West Homestead and the West Homestead Police Department, and Police Officer Jason Trout's Motion for Summary Judgment (ECF No. 39) are DENIED AS MOOT.

This case is dismissed and the Clerk of Court is directed to mark this case closed.

Date: June 27, 2014

s/ Cynthia Reed Eddy
Cynthia Reed Eddy
United States Magistrate Judge

cc:
Jason L. Carter
153 Rosewood Street
Washington, PA 15301